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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of : Irwin et al.
For : Method for Storing, Retrieving, and
Managing Configuration Settings of
Computer Systems
Serial No. : 09/920,756
Filed : 08/03/2001
Group : 2626
Examiner : Dinh, Khanh Q.

Durham, North Carolina
June 11, 2008

MAIL STOP APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPELLANT'S BRIEF

Dear Sirs:

1. Transmitted herewith is the APPEAL BRIEF in this application with respect to the Notice of Appeal filed on March 12, 2008.
2. The Applicant is other than a small entity.
3. Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is \$510.00.

[x] The Commissioner is hereby authorized to charge the fee of \$510 to NCR Corporation Deposit Account No. 14-0225.

[x] The Commissioner is hereby authorized to charge the one month extension of

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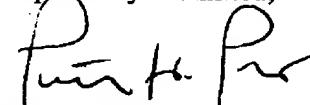
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time fee of \$120 to our credit card. The letter petitions for a one month extension of time. A copy of credit card form PTO 2038 is enclosed.

[x] The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to NCR Corporation Deposit Account No. 14-0225.

Respectfully submitted,



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APPELLANTS' BRIEF

Sir:

1. The Real Party In Interest

The real party in interest is the assignee, NCR Corporation.

2. Related Appeals and Interferences

None.

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3. Status of the Claims

This is an appeal from the December 13, 2007 final rejection ("the final rejection") of claims 1-11 and 17-23, all of the pending claims. Claims 12-16 have been previously canceled. Claim 4 was rejected under 35 U.S.C. § 112. Claims 1-11 and 17-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul U.S. Patent No. 6,687,817 (Paul) in view of Williams U.S. Patent No. 5,945,988 (Williams).

4. Status of Amendments

The claims stand as amended on September 27, 2007. An Amendment After Final is being filed herewith to correct informalities noted in the claims and to address the Section 112 rejection of claim 4.

5. Summary of Claimed Subject Matter

The present invention addresses systems and techniques for loading configuration settings for a computing device.

Claim 1

In one aspect, the invention of claim 1 addresses a computer implemented method of configuring a point of sale (POS) terminal to execute a handheld platform operating software comprising the steps of reading generic configuration settings from a first local storage device, and storing generic configuration settings in a memory, as illustrated at Fig. 2, step 42, and discussed at specification, p. 10, lines 4-5, for example. Claim 1 further addresses conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising determining if first computer system-specific configuration settings are stored on a second local storage device coupled by a bus to a processor in the terminal, said first computer system-specific configuration settings including at

least one of brightness, volume, and energy saving settings for the POS terminal, and if said first computer system-specific configuration settings are stored on said a second local storage device, copying said first computer system-specific configuration settings to said memory, as illustrated at Fig. 1, memory 16, bus 12, storage device 20, Fig. 2, step 48, step 50., and discussed at specification, p. 2, lines 26-30, p. 10, lines 14-24, for example. Claim 1 further addresses determining if second computer system-specific configuration settings are stored on a network device accessed through a network; and if said second computer system-specific configuration settings are stored on the network device, copying said second computer system-specific configuration settings to said memory; as illustrated at Fig. 1, network link 30, Fig. 2, step 52, step 54, and discussed at specification, p. 10, line 25-p. 11, line 9. Claim 1 further addresses setting a boot status setting, and rebooting said POS terminal to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory, as illustrated at Fig. 2, step 56, step 58, and discussed at specification, p. 11, lines 10-22, for example.

Claim 4

In another aspect, the invention of claim 4 addresses a computer implemented method of configuring a point of sale (POS) terminal to execute a handheld platform operating software comprising the steps of, reading generic configuration settings from a first local storage device and storing generic configuration settings in a memory, as illustrated at Fig. 2, step 42, and discussed at specification, p. 10, lines 4-5, for example. Claim 4 further addresses conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising, determining if first computer system-specific configuration settings are stored on a second local storage device coupled by a bus to a

processor in the terminal, said first computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal, and if said first computer system-specific configuration settings are stored on said storage device, copying said first computer system-specific configuration settings to said memory as illustrated at Fig. 1, memory 16, bus 12, storage device 20, Fig. 2, step 48, step 50, and discussed at specification, p. 2, lines 26-30, p. 10, lines 14-24, for example.

Claim 4 further addresses setting a boot status setting and rebooting said POS terminal to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory, as illustrated at Fig. 2, step 56, step 58, and discussed at specification, p. 11, lines 10-22, for example.

Claim 5

In another aspect, the invention of claim 5 addresses a computer implemented method of configuring a POS terminal to execute a handheld platform operating software, comprising the steps of: reading generic configuration settings from an attached storage device and storing generic configuration settings in a memory, as illustrated at Fig. 1, memory 16, Fig. 2, step 42, and discussed at specification, p. 10, lines 4-5, for example. Claim 5 further addresses conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising determining if a network connection is available to the terminal, and if a network connection is available, determining if second computer system-specific configuration settings are stored on a specifically identified network device accessed through a network, said second computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal, and if said second computer system-specific configuration settings are stored on the

network device, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer-specific configuration settings, and copying said second computer system-specific configuration settings to said memory, as illustrated at Fig. 2, step 52, and discussed at specification, p. 2, lines 26-30, p. 10, line 27-p. 11, line 8, for example. Claim 5 further addresses setting a boot status setting and rebooting said computer system to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory, as illustrated at Fig. 2, step 56, step 58, and discussed at specification, p. 11, lines 10-22, for example.

Claim 6

In another aspect, the invention of claim 6 addresses a computer implemented method of configuring a point of sale (POS) terminal comprising the steps of loading generic configuration settings, as illustrated at Fig. 2, step 42, and discussed at specification, p. 10, lines 4-5, for example. Claim 6 further addresses conducting an automated search by the terminal for computer system-specific configuration settings, the automated search including determining whether the terminal is connected to a storage device coupled by a bus to a processor in the terminal, and loading computer system-specific configuration settings found as a result of the search, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal executing a handheld platform operating software, as illustrated at Fig. 1, storage device 20, Fig. 2, step 48, step 50, and discussed at specification, p. 2, lines 26-30, p. 10, lines 14-24, for example. Claim 6 further addresses and rebooting the POS terminal to execute the handheld platform operating software according to the loaded computer system-specific configuration settings, as illustrated at Fig. 2, step 56, step 58, and discussed at specification, p. 11, lines 10-22, for example.

Claim 17

In another aspect, the invention of claim 17 addresses a computer-implemented method of storing configuration settings of a point of sale (POS) terminal executing a handheld platform operating software comprising the steps of performing an automated search by the terminal to determine if a storage device is connected to the POS terminal executing a handheld platform operating software, the storage device being coupled by a bus to a processor in the POS terminal, and if the storage device is connected to the computer system, storing computer system-specific configuration settings to the storage device, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal; as illustrated at Fig. 1, storage device 20, Fig. 3, step 84, 86, and discussed at specification, p. 2, lines 26-30, p. 4, lines 22-27, for example. Claim 17 further addresses performing an automated search by the terminal to determine if the computer system is connected to a network connection having a computer system, and if the network connection having a computer system is connected to the POS terminal, storing computer system-specific configuration settings to the computer system, as illustrated at Fig. 3, step 88, step 90, and discussed at specification, p. 2, lines 26-30, p. 4, line 27-30, for example.

Claim 18

In another aspect, the invention of claim 18 addresses a computer implemented method of storing configuration settings of a point of sale (POS) terminal comprising the steps of receiving a specified event at the POS terminal, as illustrated at Fig. 2, step 42, and discussed at specification, p. 10, lines 3-7, for example. Claim 18 further addresses performing an automated search by the POS terminal for computer-specific configuration settings, the search including

determining if computer system-specific configuration settings are available for retrieval from a storage device coupled by a bus to a processor in the terminal, and if computer system-specific configuration settings are available for retrieval from a storage device connected to the POS terminal, storing computer system-specific configuration settings to the POS terminal, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal, as illustrated at Fig. 1, storage device 20, Fig. 2, step 48, step 50, and discussed at specification, p. 2, lines 26-30, p. 10, lines 14-24, for example.

Claim 20

In another aspect, the invention of claim 20 addresses a computer implemented method of storing configuration settings of a point of sale (POS) terminal comprising the steps of receiving a specified event at the computer system, as illustrated at Fig. 2, step 42, and discussed at specification, p. 10, lines 3-7, for example. Claim 20 further addresses performing an automated search by the POS terminal for computer-specific configuration settings, the search including determining if the POS terminal executing a handheld platform operating software is connected to a network connection, and if the POS terminal is connected to a network connection, determining if computer system-specific configuration settings are available for retrieval from a specifically identified storage device through the network, if the POS terminal executing a handheld platform operating software is connected to the network connection having a computer system and computer system-specific configuration settings are available for retrieval through the network, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer-specific configuration settings; and upon obtaining the computer system-specific configuration settings, storing the computer system-specific configuration settings to the POS terminal, said computer system-specific configuration

settings including at least one of brightness, volume, and energy saving settings for the POS terminal, as illustrated at Fig. 2, step 52, and discussed at specification, p. 2, lines 26-30, p. 10, line 27-p. 11, line 8, for example.

Claim 22

In another aspect, the invention of claim 22 addresses a system for storing configuration settings of a point of sale (POS) terminal comprising, a processor for receiving and transmitting data and a memory coupled to the processor, said memory having stored therein computer system-specific configuration settings and sequences of instructions which, when executed by said processor, cause said processor to receive a specified event, determine if the POS terminal executing a handheld platform operating software is connected to a storage device coupled by a bus to a processor in the POS terminal, the storage device providing access to computer system-specific configuration settings, and if the POS terminal executing a handheld platform operating software is connected to a storage device providing access to computer system-specific configuration settings, store the computer system-specific configuration settings to the terminal, wherein said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal, as illustrated at Fig. 1, processor 14, memory 16, bus 12, storage device 20, and discussed at specification, p. 2, lines 26-30, p. 5, lines 1-7, for example.

6. Grounds of Rejection to be Reviewed on Appeal

Claim 4 stands rejected under 35 U.S.C. § 112 based on a lack of antecedent basis.

Claims 1-11 and 17-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul in view of Williams.

7. Argument

A. Rejection under U.S.C. § 112

The Official Action rejected claim 4 as lacking antecedent basis. An amendment being filed herewith overcomes this ground of rejection.

B. Rejection under 35 U.S.C. § 103(a) over Paul and Williams

35 U.S.C. § 103 which governs obviousness indicates that “differences between the subject matter sought to be patented and the prior art” are to be assessed based upon “the subject matter as a whole”. Analyzing the entirety of each claim, the rejections under 35 U.S.C. § 103 are not supported by the relied upon art as addressed further below.

Only after an analysis of the individual references has been made can it then be considered whether it is fair to combine teachings. However, as addressed further below, fairness requires an analysis of failure of others, the lack of recognition of the problem, and must avoid the improper hindsight reconstruction of the present invention. Such an analysis should consider whether the references combine in an obvious way to achieve the subject matter encompassed by the claim, rather than assuming that a combination is obvious. The 35 U.S.C. § 103 rejections made here pick and choose elements from separate references, none of which, when combined with knowledge of the state of the art, provides any basis for concluding the subject matter as a whole would be obvious to one of ordinary skill in the art. This approach constitutes impermissible hindsight and must be avoided. As required by 35 U.S.C. § 103, claims must be considered as a whole. When so considered, the present claims are not obvious.

Claim 1

Turning to the references relied upon, Paul and Williams are markedly different from the present invention and address problems only peripherally related to the solutions provided by the

present invention. Paul addresses systems and techniques for configuring a device newly joining a network. A boot sequence on a device is started, and may then be suspended prior to performing network setup. The device multicasts a configuration request to any computer on the network that may be listening to such a request, and the system that received the request generates configuration data for the device and sends configuration data to the device via a multicast message. The device then writes the configuration data into a file or files used by an operating system for network configuration on the device and continues the boot sequence with the new configuration set.

Williams addresses systems and techniques for automatically determining and updating user preferences in an entertainment system. User preferences are stored in a storage medium accessible to the entertainment system and the activities of a user are monitored so that the user can be identified a set of user preferences associated with the user can be loaded for use. However, nothing in Paul, Williams, or a combination thereof teaches or makes obvious reading generic configuration settings from a first local storage device, determining if first computer system specific settings are stored on a second local storage device coupled by a bus to a processor in the terminal, copying the system settings if they are present, determining if second computer system settings are stored on a network, and copying the second computer system settings if they are stored on the network.

Claim 1 reads as follows:

1. A computer implemented method of configuring a point of sale (POS) terminal to execute a handheld platform operating software comprising the steps of:
 - reading generic configuration settings from a first local storage device;
 - storing generic configuration settings in a memory;
 - conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising:
 - determining if first computer system-specific configuration settings are stored on a second local storage device coupled by a bus to a processor in the terminal, said first

computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;

if said first computer system-specific configuration settings are stored on said a second local storage device, copying said first computer system-specific configuration settings to said memory;

determining if second computer system-specific configuration settings are stored on a network device accessed through a network; and

if said second computer system-specific configuration settings are stored on the network device, copying said second computer system-specific configuration settings to said memory;

setting a boot status setting; and

rebooting said POS terminal to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory.

These limitations in the claimed combination are not taught and are not made obvious by

Paul, Williams, or a combination thereof. Paul addresses a mechanism for retrieving

configuration settings for a device joining a network. When the device joins the network, the

device issues a multicast request for configuration settings, which can be answered by any

appropriate device. The Official Action argues that the limitation of determining if first

computer system-specific configuration settings are stored on a second local storage device is

satisfied by Paul's connecting the terminal and the storage device through a network to provide

multicast messages, but the Applicant's respectfully disagree. A second device connected to a

first device through a network is not a local device with respect to the first device; it is a

network-attached device, and communication between the second device and the first device is

mediated through various network components.

The Official Action admits that Paul does not specifically disclose computer system specific settings including at least one of brightness, volume, and energy saving settings and coupling by a bus to a processor in the terminal, but argues that Williams teaches these features, and that it would be obvious to combine Williams with Paul to achieve the claimed invention. The Applicants respectfully disagree.

Williams addresses selecting an appropriate user profile for an entertainment system, and it does this by examining the inputs entered using an input device to identify a user. See col. 3, lines 4-17. "**During use of the system 100**, system controller 104 automatically determines which user of a plurality of system users is currently using the system by comparing received inputs and current settings to at least a subset of the user profiles for at least a subset of the plurality of entertainment system users." (Emphasis added). Williams is not directed to starting a device or joining a network, but is directed to gathering information during the ongoing operation of a system to make adjustments to the system. Williams does teach the use of an I/O bus, but the mere presence of a bus in Williams and the use of a bus or other local data transfer device does not combine with Paul to achieve the claimed invention. Paul is directed to adding a device to a network and receiving configuration settings from the network upon joining the network. Paul teaches away from Williams, which is directed to selecting for use a set of user profile settings that are already present, and choosing these settings based on information received during operation of an entertainment system. The Official Action argues that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Williams's teachings into the computer system of Paul to update user preference data information because it would have enabled users to monitor and update a wide range of configurable options in a profile database and configured to control each of the entertainment system components of system in a communications network." However, such a capability is not of interest to Paul, which provides for a mechanism for retrieving configuration settings appropriate to a device joining a network, rather than profile settings for a user of the device.

Claim 1 therefore defines over the cited art and should be allowed.

Claim 4

Claim 4 addresses conducting a method of configuring a point of sale terminal comprising an automated search for and retrieval of computer system-specific configuration settings, with the search comprising determining if the setting are stored on a second local storage device coupled by a bus to a processor in the terminal . Claim 4 reads as follows:

4. A computer implemented method of configuring a point of sale (POS) terminal to execute a handheld platform operating software comprising the steps of:
 - reading generic configuration settings from a first local storage device;
 - storing generic configuration settings in a memory;
 - conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising:
 - determining if first computer system-specific configuration settings are stored on a second local storage device coupled by a bus to a processor in the terminal, said first computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;
 - if said first computer system-specific configuration settings are stored on said storage device, copying said first computer system-specific configuration settings to said memory; and
 - setting a boot status setting; and
 - rebooting said POS terminal to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory.

As noted above with respect to claim 1, neither Paul, Williams, nor a combination thereof teaches determining if first computer system-specific configuration settings are stored on a second local storage device coupled by a bus to a processor in a terminal as claimed. As noted above, Paul teaches requesting and delivering configuration settings to a device joining a network through a multicast over the network, and Williams teaches selecting a user profile after identifying a user. Claim 4 therefore defines over the cited art and should be allowed.

Claim 5

Claim 5 addresses a method of configuring a POS terminal, comprising conducting an automated search for and retrieval of computer-specific configuration settings by the terminal, with the search comprising determining if a network connection is available, and if a network

connection is available, determining if second computer system-specific settings are stored on a specifically identified network device accessed through a network, and if the second computer system-specific configuration settings are stored on the network device, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer-specific configuration settings.

Claim 5 reads as follows:

5. A computer implemented method of configuring a POS terminal to execute a handheld platform operating software comprising the steps of:
 - reading generic configuration settings from an attached storage device;
 - storing generic configuration settings in a memory;
 - conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising:
 - determining if a network connection is available to the terminal;
 - if a network connection is available, determining if second computer system-specific configuration settings are stored on a specifically identified network device accessed through a network, said second computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;
 - if said second computer system-specific configuration settings are stored on the network device, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer-specific configuration settings; and
 - copying said second computer system-specific configuration settings to said memory;
 - setting a boot status setting; and
 - rebooting said computer system to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory.

The official Action argues that Paul teaches transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer specific configuration settings, arguing that this limitation is met by connecting the terminal and the storage device through a network to provide multicast and configuration setting messages.

The Applicants respectfully disagree. The relied upon portions of Paul discuss sending a communication through a multicast message. At col. 3, lines 47-65 Paul discusses delivering the

configuration data to the new device, not a request by the device for the data. At col. 3, lines 30-34, the new device is described as multicasting a configuration request 330 on the network 310, with the new device placing a worldwide identifier in the request for use in subsequent transmissions to the new device. At col. 3, lines 47-55, Paul states that the configuration computer 300 sends a "configuration pending" message via multicast and that "[b]y sending a multicast message all devices on the network can receive the message including the device 320. By making a request via a multicast, the new device 320 need not specifically identify the configuration computer 300, as is claimed by claim 5. Sending a request to a specifically identified device, as claimed by claim 5, provides for a more direct mechanism for delivering a request in cases in which the identity of the device storing the desired information is known to the requesting device. The Official Action relies on Williams as teaching that configuration settings include at least one of brightness, volume, and energy saving settings, but does not argue that Williams teaches requesting data from a specifically identified device over a network. Claim 5 therefore defines over the cited art and should be allowed.

Claim 6

Claim 6 addresses a method of configuring a point of sale terminal comprising conducting an automated search by the terminal for computer-specific configuration settings, with the automated search including determining whether the terminal is connected to a storage device coupled by a bus to a processor in the terminal. Claim 6 reads as follows:

6. A computer implemented method of configuring a point of sale (POS) terminal comprising the steps of:
 - loading generic configuration settings;
 - conducting an automated search by the terminal for computer system-specific configuration settings, the automated search including determining whether the terminal is connected to a storage device coupled by a bus to a processor in the terminal;
 - loading computer system-specific configuration settings found as a result of the search, said computer system-specific configuration settings including at least one of brightness,

volume, and energy saving settings for the POS terminal executing a handheld platform operating software; and
rebooting the POS terminal to execute the handheld platform operating software according to the loaded computer system-specific configuration settings.

As noted above with respect to claim 1, neither Paul, Williams, nor a combination thereof teaches determining if first computer system-specific configuration settings are stored on a storage device coupled by a bus to a processor in a terminal as claimed. As noted above, Paul teaches requesting and delivering configuration settings to a device joining a network through a multicast over the network, and Williams teaches selecting a user profile after identifying a user.

Claim 6 therefore defines over the cited art and should be allowed.

Claim 17 addresses a method of storing configuration settings of a point of sale terminal comprising performing a search by a terminal to determine if a storage device is connected to the terminal by coupling over a bus, if so, storing the settings to the device, determining if the computer system is connected to a network connection having a computer system, and, if so, storing the settings to the computer system over the network. Claim 17 reads as follows:

17. A computer-implemented method of storing configuration settings of a point of sale (POS) terminal executing a handheld platform operating software comprising the steps of:
 - performing an automated search by the terminal to determine if a storage device is connected to the POS terminal executing a handheld platform operating software, the storage device being coupled by a bus to a processor in the POS terminal;
 - if the storage device is connected to the computer system, storing computer system-specific configuration settings to the storage device, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;
 - performing an automated search by the terminal to determine if the computer system is connected to a network connection having a computer system; and
 - if the network connection having a computer system is connected to the POS terminal, storing computer system-specific configuration settings to the computer system.

The limitations of claim 17 are not taught and are not made obvious by Paul, Williams, or a combination thereof. Claim 17 is directed to storing configuration settings from a terminal to an appropriate storage repository, such as a storage device connected to the terminal or a network

computer system connected to the terminal through a network connection. Neither Paul, Williams, nor a combination thereof is directed to such storage. As noted above with respect to claim 1, Paul is directed to requesting configuration data for a device joining a network through a multicast request, and Williams is directed to selecting configuration settings of a system in accordance with a user profile. Neither of the cited references is directed to storage of configuration settings from a device to a storage device or facility connected directly or indirectly to the device. Such storage provides for placement of configuration settings in an appropriate repository for later retrieval. Claim 17 therefore defines over the cited art and should be allowed.

Claim 18

Claim 18 addresses a method of storing configuration settings of a point of sale terminal, comprising searching for computer-specific configuration settings available for a storage device coupled by a bus to a processor in the terminal and storing the settings to the terminal if available. Claim 18 reads as follows:

18. A computer implemented method of storing configuration settings of a point of sale (POS) terminal comprising the steps of:

receiving a specified event at the POS terminal;

performing an automated search by the POS terminal for computer-specific configuration settings, the search including determining if computer system-specific configuration settings are available for retrieval from a storage device coupled by a bus to a processor in the terminal; and

if computer system-specific configuration settings are available for retrieval from a storage device connected to the POS terminal, storing computer system-specific configuration settings to the POS terminal, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal.

As noted above with respect to claim 1, neither Paul, Williams, nor a combination thereof teaches determining if first computer system-specific configuration settings are stored on a storage device coupled by a bus to a processor in a terminal as claimed. As noted above, Paul teaches requesting and delivering configuration settings to a device joining a network through a

multicast over the network, and Williams teaches selecting a user profile after identifying a user.

Claim 18 therefore defines over the cited art and should be allowed.

Claim 20

Claim 20 addresses a method of storing configuration settings of a point of sale terminal, including determining if a network connection is present, determining if settings are available from a specifically identified storage device over the network, and transmitting a request directed to such a specifically identified device. Claim 20 reads as follows:

20. A computer implemented method of storing configuration settings of a point of sale (POS) terminal comprising the steps of:

receiving a specified event at the computer system;

performing an automated search by the POS terminal for computer-specific configuration settings, the search including determining if the POS terminal executing a handheld platform operating software is connected to a network connection;

if the POS terminal is connected to a network connection, determining if computer system-specific configuration settings are available for retrieval from a specifically identified storage device through the network;

if the POS terminal executing a handheld platform operating software is connected to the network connection having a computer system and computer system-specific configuration settings are available for retrieval through the network, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer-specific configuration settings; and

upon obtaining the computer system-specific configuration settings, storing the computer system-specific configuration settings to the POS terminal, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal.

As noted above with respect to claim 1, Paul teaches systems and techniques for directing a multicast request for configuration settings from a device joining the network, rather than a request specifically directed to an identified device, and the Official Action does not argue that Paul addresses this deficiency. Claim 20 therefore defines over the cited art and should be allowed.

Claim 22

Claim 22 addresses a system for searching for configuration settings on a storage device

connected to a POS terminal and retrieving the settings of present. Claim 22 reads as follows:

22. A system for storing configuration settings of a point of sale (POS) terminal comprising:

a processor for receiving and transmitting data; and

a memory coupled to the processor, said memory having stored therein computer system-specific configuration settings and sequences of instructions which, when executed by said processor, cause said processor to receive a specified event, determine if the POS terminal executing a handheld platform operating software is connected to a storage device coupled by a bus to a processor in the POS terminal, the storage device providing access to computer system-specific configuration settings, and if the POS terminal executing a handheld platform operating software is connected to a storage device providing access to computer system-specific configuration settings, store the computer system-specific configuration settings to the terminal, wherein said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal.

As noted above with respect to claim 1, neither Paul, Williams, nor a combination thereof teaches determining computer system-specific configuration settings are stored on a storage device coupled by a bus to a processor in a terminal as claimed. As noted above, Paul teaches requesting and delivering configuration settings to a device joining a network through a multicast over the network, and Williams teaches selecting a user profile after identifying a user. Claim 22 therefore defines over the cited art and should be allowed.

C. The Examiner's Findings of Obviousness Are Also Contrary to Law of the Federal Circuit

As shown above, the invention claimed is not obvious in light of the relied upon prior art.

The references cited by the Examiner, if anything, teach away from the present invention. It is only in hindsight, after seeing the claimed invention, that the Examiner could combine the references as the Examiner has done. This approach is improper under the law of the Federal Circuit, which has stated that “[w]hen prior art references require selective combination by the Court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself.” Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 U.S.P.Q. 2d 1434, 1438 (Fed. Cir. 1988), cert. den., 109 S. Ct. 75, 102 L.Ed. 2d 51 (1988); quoting Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1132, 227 U.S.P.Q. 543, 535 (Fed. Cir. 1985). Furthermore, “[i]t is impermissible to use the claims as a

frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention." Uniroyal, 837 F.2d at 1051, 5 U.S.P.Q. 2d at 1438.

In addition, the Examiner does not appear to have considered "where the references diverge and teach away from the claimed invention", Akzo N.V. v. International Trade Commission, 808 F.2d 1471, 1481, 1 U.S.P.Q. 2d 1241, 1246 (Fed. Cir. 1986), cert. den., 107 S. Ct. 2490, 482 U.S. 909, 107 S.Ct. 2490 (1987); and W.L. Gore Associates, Inc., 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983); nor has the Examiner read the claims as a whole, as required by statute. 35 U.S.C. §103. See also, Smithkline Diagnostics Inc. v. Helena Laboratories Corp., 859 F.2d 878, 885, 8 U.S.P.Q. 2d 1468, 1475 (Fed. Cir. 1988); and Interconnect Planning Corp., 774 F.2d at 1143, 227 U.S.P.Q. at 551.

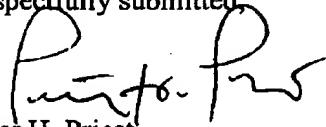
In addition, the Examiner has not read the claims as a whole, as required by statute. 35 U.S.C. §103. See also, Smithkline Diagnostics Inc. v. Helena Laboratories Corp., 859 F.2d 878, 885, 8 U.S.P.Q. 2d 1468, 1475 (Fed. Cir. 1988); and Interconnect Planning Corp., 774 F.2d at 1143, 227 U.S.P.Q. at 551.

The Examiner's rejection suggests that the Examiner did not consider and appreciate the claims as a whole. The claims disclose a unique combination with many features and advantages not shown in the art. It appears that the Examiner has oversimplified the claims and then searched the prior art for the constituent parts. Even with the claims as a guide, however, the Examiner did not recreate the claimed invention.

8. Conclusion

The rejection of claims 1-15 and 17-23 should be reversed and the application promptly allowed.

Respectfully submitted,


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CLAIMS APPENDIX

(Claims Under Appeal)

1. A computer implemented method of configuring a point of sale (POS) terminal to execute a handheld platform operating software comprising the steps of:
 - reading generic configuration settings from a first local storage device;
 - storing generic configuration settings in a memory;
 - conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising:
 - determining if first computer system-specific configuration settings are stored on a second local storage device coupled by a bus to a processor in the terminal, said first computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;
 - if said first computer system-specific configuration settings are stored on said a second local storage device, copying said first computer system-specific configuration settings to said memory;
 - determining if second computer system-specific configuration settings are stored on a network device accessed through a network; and
 - if said second computer system-specific configuration settings are stored on the network device, copying said second computer system-specific configuration settings to said memory;
 - setting a boot status setting; and
 - rebooting said POS terminal to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory.

2. The computer implemented method of claim 1, wherein the second computer system-specific configuration settings include at least one of first computer system-specific configuration settings.

3. The computer implemented method as claimed in claim 1, wherein the configuration settings identify configuration settings to be stored.

4. A computer implemented method of configuring a point of sale (POS) terminal to execute a handheld platform operating software comprising the steps of:

reading generic configuration settings from a first local storage device;

storing generic configuration settings in a memory;

conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising:

determining if first computer system-specific configuration settings are stored on a second local storage device coupled by a bus to a processor in the terminal, said first computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;

if said first computer system-specific configuration settings are stored on said storage device, copying said first computer system-specific configuration settings to said memory; and

setting a boot status setting; and

rebooting said POS terminal to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory.

5. A computer implemented method of configuring a POS terminal to execute a handheld platform operating software comprising the steps of:

reading generic configuration settings from an attached storage device;

storing generic configuration settings in a memory;

conducting an automated search for and retrieval of computer system-specific configuration settings by the terminal, the automated search and retrieval comprising:

- determining if a network connection is available to the terminal;
- if a network connection is available, determining if second computer system-specific configuration settings are stored on a specifically identified network device accessed through a network, said second computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;
- if said second computer system-specific configuration settings are stored on the network device, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer-specific configuration settings; and
- copying said second computer system-specific configuration settings to said memory;
- setting a boot status setting; and
- rebooting said computer system to execute the handheld platform operating software according to computer system-specific configuration settings stored in said memory.

6. A computer implemented method of configuring a point of sale (POS) terminal comprising the steps of:

- loading generic configuration settings;
- conducting an automated search by the terminal for computer system-specific

configuration settings, the automated search including determining whether the terminal is connected to a storage device coupled by a bus to a processor in the terminal;

loading computer system-specific configuration settings found as a result of the search, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal executing a handheld platform operating software; and

rebooting the POS terminal to execute the handheld platform operating software according to the loaded computer system-specific configuration settings.

7. The computer implemented method as claimed in claim 6 wherein the computer system-specific configuration settings are read from a storage device or a network device accessed over a network.

8. The computer implemented method as claimed in claim 6 wherein computer system-specific configuration settings are read from a storage device and comprising the further step of:

loading computer system-specific configuration settings from a network device accessed over a network.

9. The computer implemented method as claimed in claim 8 comprising the further step of:

using computer system-specific configuration settings from the network device.

10. The computer implemented method of claim 6, wherein the configuration settings further include at least one of color depth, peripheral device, delay period, communication port, and baud rate settings for the POS terminal.

11. The computer implemented method as claimed in claim 6, wherein the

configuration settings identify configuration settings to be stored.

12-16. (canceled)

17. A computer-implemented method of storing configuration settings of a point of sale (POS) terminal executing a handheld platform operating software comprising the steps of:

performing an automated search by the terminal to determine if a storage device is connected to the POS terminal executing a handheld platform operating software, the storage device being coupled by a bus to a processor in the POS terminal;

if the storage device is connected to the computer system, storing computer system-specific configuration settings to the storage device, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal;

performing an automated search by the terminal to determine if the computer system is connected to a network connection having a computer system; and

if the network connection having a computer system is connected to the POS terminal, storing computer system-specific configuration settings to the computer system.

18. A computer implemented method of storing configuration settings of a point of sale (POS) terminal comprising the steps of:

receiving a specified event at the POS terminal;

performing an automated search by the POS terminal for computer-specific configuration settings, the search including determining if computer system-specific configuration settings are available for retrieval from a storage device coupled by a bus to a processor in the terminal; and

if computer system-specific configuration settings are available for retrieval from a storage device connected to the POS terminal, storing computer system-specific configuration

settings to the POS terminal, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal.

19. The computer implemented method as claimed in claim 18 wherein the specified event includes at least one of expiration of a delay period and computer system shutdown.

20. A computer implemented method of storing configuration settings of a point of sale (POS) terminal comprising the steps of:

receiving a specified event at the computer system;

performing an automated search by the POS terminal for computer-specific configuration settings, the search including determining if the POS terminal executing a handheld platform operating software is connected to a network connection;

if the POS terminal is connected to a network connection, determining if computer system-specific configuration settings are available for retrieval from a specifically identified storage device through the network;

if the POS terminal executing a handheld platform operating software is connected to the network connection having a computer system and computer system-specific configuration settings are available for retrieval through the network, transmitting a request directed to a specifically identified device on which the settings are stored to obtain the second computer-specific configuration settings; and

upon obtaining the computer system-specific configuration settings, storing the computer system-specific configuration settings to the POS terminal, said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal.

21. The computer implemented method as claimed in claim 20 wherein the specified

event includes at least one of expiration of a delay period and computer system shutdown.

22. A system for storing configuration settings of a point of sale (POS) terminal comprising:

a processor for receiving and transmitting data; and

a memory coupled to the processor, said memory having stored therein computer system-specific configuration settings and sequences of instructions which, when executed by said processor, cause said processor to receive a specified event, determine if the POS terminal executing a handheld platform operating software is connected to a storage device coupled by a bus to a processor in the POS terminal, the storage device providing access to computer system-specific configuration settings, and if the POS terminal executing a handheld platform operating software is connected to a storage device providing access to computer system-specific configuration settings, store the computer system-specific configuration settings to the terminal, wherein said computer system-specific configuration settings including at least one of brightness, volume, and energy saving settings for the POS terminal.

23. The system as claimed in claim 22 wherein said memory further comprises sequences of instructions which, when executed by said processor, cause said processor to determine if the POS terminal is connected to a network connection having a computer system providing access to computer system-specific configuration settings, and if the POS terminal is connected to the network connection having a computer system providing access to computer system-specific configuration settings, store the computer system-specific configuration settings to the terminal.

EVIDENCE APPENDIX**None.**

RELATED PROCEEDINGS APPENDIX**None.**